

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 37

FUEL HANDLING PROCEDURES AT PUBLIC AIRPORTS

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§19-37-1 Purpose. The purpose of this chapter is to establish safe and orderly aircraft fueling operations at public airports in the State of Hawaii. [Eff. FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:
"Aircraft" means any and all airplanes, airships, dirigibles, helicopters, gliders, amphibians and seaplanes and any other contrivances now or hereafter used for the navigation of or flight in air space.

"Department" means the department of transportation of the State.

"Director" means the director of the department of transportation or his duly authorized representative.

"FAA" means the Federal Aviation Administration.

"Fuel Handling" means the transporting, delivering, storing, fueling, and draining of fuels or other petroleum products.

"Hot Refueling" means the loading of fuel into a helicopter when one or more of its engines are in operation.

"Operations Area" or "Airport Operational Area" means any portion of a public airport from which access by the public is prohibited by fences or appropriate signs, and which is not leased or demised to anyone for exclusive use and includes runways, taxiways, all ramps, cargo ramps, and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any area of a public airport used or intended to be used for landing, takeoff, surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Person" means any individual, firm, partnership, co-partnership, corporation, trust, association, company, joint venture, or legal entity (including any assignee, receiver, trustee or similar representative thereof) or the United States of America or any state or political subdivision thereof, or any foreign government, or the United Nations.

"Public Airport" means any areas of land or water under public or governmental ownership or jurisdiction which is used, or intended for use, for the landing and taking-off of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon; provided, that federally owned facilities shall be included in this definition only to the extent of their use by non-military persons who hold a contract, lease, license, or other right granted by the department. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-3 Safety procedures. Fuel handling shall be conducted in compliance with accepted and approved industry safety standards and procedures prescribed in the National Fire Code 407, Aircraft Fuel Servicing, Uniform Fire Code as approved by the State Fire Council. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-4 Bonding. Prior to making any fueling connection to the aircraft, the fueling equipment shall be bonded to the aircraft by use of a cable, thus providing a conductive path to equalize potential between the fueling equipment and aircraft. The bond shall be maintained until fueling equipment connections have been removed, thus permitting the reuniting of separated charges that could be generated during the fueling operation.

(1) In addition to the above, when fueling overwing, the nozzle shall be bonded with a nozzle bond cable having a clip or plug to a metallic component of the aircraft that is metallicity connected to the tank filler port. The bond connection shall be made before the filler cap is removed. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the potential between the nozzle and the filler port. The spout shall be kept in contact with the filler neck until the fueling is completed.

(2) When a funnel is used in aircraft fueling, it shall be kept in contact with the filler neck as well as the fueling nozzle spout or the supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used.

(3) When a hydrant servicer or cart is used for fueling, the hydrant coupler shall be connected to the hydrant system prior to bonding the fuel equipment to the aircraft.

(4) Bonding and fueling connections shall be disconnected in the reverse order of connection.

(5) Conductive hose shall be used to prevent electrostatic discharge but shall not be used to accomplish required bonding. [Eff FEB 26 1993 (Auth: HRS §261-12) (Imp: HRS §261-12)]

§19-37-5 Fueling operations. The following requirements shall be met during fueling operations:

(1) Hose and connections. Fueling or defueling shall be conducted through the use of hoses and connections meeting approved industry and safety standards;

(2) Distance. Aircraft fuel handling shall be conducted at least fifty feet away from any hanger or building;

(3) Public protection. Passengers shall not remain in any aircraft being fueled unless:

- (a) the cabin exit door is open;
- (b) a cabin attendant is at such door; and
- (c) a passenger ramp or other safety device to assure the rapid debarkation of passengers is in position at the cabin exit door;

(4) Personnel. Only personnel engaged in fuel handling, or in the maintenance and servicing of the aircraft being

fueled, may be within fifty feet of the fuel tanks of such aircraft;

(5) Smoking. Smoking is prohibited on the Airport Operational Area (AOA) and within fifty feet of any aircraft during fuel handling;

(6) Dump valve testing. Aircraft dump valve shall be tested only in the areas designated for this purpose;

(7) Aircraft engines. No aircraft may be operated within fifty (50) feet of any fueling operation or spill;

(8) Electrical storms. All fueling operations shall be conducted with caution during an electrical storm. In the event of any electrical storm causing severe disturbances, all fueling operations shall cease. [Eff FEB 26 1993 (Auth: HRS \$261-12) (Imp: HRS \$261-12)

§19-37-6 Overflow or spillage. Persons engaged in aircraft fuel handling shall exercise diligence and care to prevent overflow or spillage of fuel and to avoid any combustion hazard. If fuel is spilled from fuel service equipment or from aircraft during refueling, fuel servicing shall be immediately discontinued. The refueler responsible for the spill shall immediately contain and remove spilled fuel and prevent runoff into the airport drainage system. The party responsible for the spill will assume all cleanup costs, including reimbursing the State for any costs incurred as a result of any fuel spill containment or cleanup and any repair or restoration of airport facilities damaged by the spill. The airport fire crew shall be notified if a spill is over 5 gallons and 10 feet in any dimension or over 50 square feet in area; continues to flow; or is otherwise a hazard to persons or property. Failure to report a fuel spill or failure to contain and remove spilled fuel and prevent entry or runoff into the airport drainage system may result in penalties or arrest as specified in Sections 261-17 and HRS 261-21, Hawaii Revised Statutes. [Eff FEB 26 1993 (Auth: HRS \$261-12) (Imp: HRS \$261-12)

§19-37-7 Fire-Aircraft crash. In the event of a fire or an aircraft crash, no fueling operations shall be conducted in the vicinity of such fire or crash. The director shall determine the distance from such fire or crash beyond which fueling operations may be conducted. [Eff FEB 26 1993 (Auth: HRS \$261-12) (Imp: HRS \$261-12)

§19-37-8 Aircraft fuel servicing vehicles. All aircraft refueling vehicles shall adhere to the following procedures when operating on the AOA:

(1) Top loading of any type of fuel from one refueling vehicle to another is not permitted;

(2) Transferring fuel from one tank vehicle to another tank vehicle that is connected to and pumping fuel into an aircraft is not permitted;

(3) Aircraft fuel servicing tank vehicles shall be in compliance with NFC 385, Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids;

(4) Fuel tank vehicles and Hydrant Carts will be inspected by the Director's designee every quarter (January-April-July-October) using the applicable Airport Certification Manual Inspection Form, Exhibit #1;

(5) Aircraft refueler units shall be attended and operated only by persons instructed in methods of proper use and operation and who are qualified to use such refueler units in accordance with minimum safety requirements. Each qualified driver operator shall possess a valid State of Hawaii commercial driver's license (CDL) and an AOA motor vehicle operator permit (MVOP). Hydrant Cart Operators are not required to have a CDL.

(6) The front wheels of parked aircraft fuel servicing vehicles and hydrant fuel servicing vehicles, shall be chocked front and rear, in addition to the parking brake being locked. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-9 Fire extinguishers. These requirements apply to all operation, maintenance and use of aircraft refueler units:

(1) Each aircraft fuel servicing tank vehicle shall have two listed extinguishers, each having a rating of at least 20B mounted one on each side of the vehicle.

(2) Each aircraft servicing hydrant vehicle shall have one extinguisher having a rating of at least 20B mounted.

(3) Extinguishers must be readily accessible from the ground. The area paneling or tank shell adjacent to or immediately behind the extinguisher(s) on fueling vehicles shall be painted with a contrasting color;

(4) Only dry chemical and halon extinguishing agents are permissible for use on fuel spills.

(5) Service Stations shall have at least one fire extinguisher with a minimum 20-B:C classification and it shall be so located that no pump or dispenser is more than 75 feet from one such extinguisher;

(6) When the open-hose discharge capacity of the aircraft fueling system is not more than 200 gallons per minute, at least two extinguishers having a minimum 20-B:C classification shall be provided.

(7) When the open-hose discharge capacity of the aircraft fueling system is more than 200 gallons per minute but not over 350 gallons per minute, at least one wheeled extinguisher having a minimum 80-B:C classification and having a minimum capacity of 125 pounds of agent shall be provided.

(8) When the open-hose discharge capacity of the aircraft fueling system is more than 350 gallons per minute, at least two wheeled extinguishers having a minimum 80-B:C classification each and having a minimum capacity of 125 pounds of agent each shall be provided.

(9) Report use. Use of any extinguisher equipment under any circumstances shall be reported to the Fire Chief immediately after use. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-10 Marking of aircraft fuel servicing vehicles. Each aircraft fuel servicing vehicle shall:

(1) Have a sign permanently positioned on each side and on the rear of every fuel carrying vehicle identifying the product;

(2) Have letters at least 3 inches high of a color contrasting with the background and color of the vehicle;

(3) Show the word "FLAMMABLE" and the name of the fuel carried, such as "JET FUEL" or "GASOLINE";

(4) Have a placard 10 3/4" on each side and on the rear of the vehicle in compliance with guidelines on use of placarding CFR, Title 49, Placarding 172.500 Transportation, Part 100-177; Hazardous Material Tables Section 172.101 and 172.102;

(5) Have "EMERGENCY FUEL SHUTOFF" placarded in letters at least 2 inches (50 mm) high;

(6) Show the method of operation by an arrow or by the words "PUSH" or "PULL" as applicable. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-11 Leaking vehicles. Leaking vehicles shall be removed from service, defueled, and parked in a safe area approved by the director, until repaired. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-12 Parking aircraft fuel servicing vehicles.
Parking areas shall be arranged to:

- (1) Facilitate dispersal of the vehicle in the event of emergency;
- (2) Provide at least 10 feet of clear space between parked vehicles for accessibility for fire control purposes;
- (3) Prevent any leaking fuel from draining to an adjacent building;
- (4) Minimize exposure to damage from out-of-control aircraft;
- (5) Provide at least 50 feet from any airport terminal building; aircraft cargo building; aircraft hanger; or other structure housing the public which has windows or doors in the exposed walls. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-13 Fuel storage tanks. Fuel storage tanks shall conform to the applicable requirements of Underwriters Laboratories (UL Standard 1709). The tank shall be tested by nationally recognized laboratories. Nationally recognized independent listing or testing agencies acceptable to the authority having jurisdiction include but are not limited to:

- (a) American Petroleum Institute (API)
- (b) American National Standard Institute, Inc. (ANSI)
- (c) American Society of Mechanical Engineers (ASME)
- (d) American Society for Testing and Materials (ASTM)
- (e) Factory Mutual Systems (FM)
- (f) Underwriters Laboratories, Inc. (America)
- (g) Underwriters Laboratories, Canada

Other nationally recognized testing laboratories may be accepted upon approval of the State Fire Council.
[Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-14 Hot refueling procedures for helicopter.
Refueling of helicopters with operating engines shall only be permitted:

- (1) In accordance with and observance of procedures established for hot refueling by the Federal Aviation Administration;
- (2) With all passenger(s) off the helicopter and at least 50 feet from helicopter being refueled;

(3) By persons fully qualified to engage in fuel handling;

(4) With a helicopter pilot at the flight controls and;

(5) Only after the operator has executed a hold harmless agreement, in the form attached hereto as Exhibit A, entitled "Helicopter Hot Refueling Agreement", or such other form as may be acceptable to the Attorney General of the State of Hawaii;

(6) No hot refueling is permitted on aircraft with reciprocating engines or which use aviation grade gasoline. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-15 Application of flammable or combustibile finishes. The applications of Class I or II liquid finishes shall be done only in locations approved by the Fire Chief. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-16 Drip pans. Every aircraft hangar shall be equipped and maintained with metal drip pans under the engines of all aircraft stored or parked therein. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-17 Protection of hose. Fuel transfer hose shall be properly placed on the approved reel or in the compartment provided, or may be stored on top decking of refueler, if proper height rail is provided for security and protection of such equipment before any aircraft refueler unit is moved. Such transfer hose shall not be looped or draped over any part of the refueler unit, except as herein provided, nor shall fuel transfer hose be dragged when such refueler unit is moved from one fueling position to another. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-18 Transferring fuel. No flammable or combustibile liquid shall be dispensed into or removed from the fuel system of an aircraft within any aircraft hangar.

(1) No flammable or combustibile liquid shall be dispensed into or removed from a container, tank, vehicle or aircraft except in a location approved by the Fire Chief. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-19 Handling, refueling and storing of fuel, lubricants and oxygen. Any person or organization involved in storing, dispensing, and otherwise handling fuel, lubricants, and oxygen (other than articles and materials that are, or are intended to be, aircraft cargo) on the airport shall observe NFC 407 Aircraft Fuel Servicing Standards for protection

against fire and explosion and develop and have established in writing a hazardous material plan which shall cover facilities, handling procedures, and training for all persons engage in fueling operation. It will cover as a minimum:

- (1) Bonding procedures;
- (2) Measures for public protection;
- (3) Control of access to storage areas;
- (4) Fire safety in fuel farms and storage areas;
- (5) Fire Safety in mobile fuelers; fueling pits and fueling cabinets. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-20 Personnel requirements. All fueling agents operating on the airport will comply with the following NFC 407 Aircraft Fuel Servicing standards:

- (1) At least one supervisor with each fueling agent shall have completed an aviation fuel training course in fire safety which is acceptable to the FAA;
- (2) All other employees who fuel aircraft, accepts fuel shipments, or otherwise handle fuel shall have received, as a minimum, on-the-job training in fire safety from the supervisor trained in accordance with paragraph (1) this section;
- (3) Familiarization with the fire code of the particular county having jurisdiction in which the public airport is located. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-21 Director's authority. The Director in cases of flagrant violations, at his sole discretion may cancel, revoke or modify applicable contracts, leases, agreements, permits, rights or other privileges to use any public airport. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-22 Reporting requirements. All airport tenant fueling agents shall certify to the Director once a year that all training and/or requirements prescribed by this section have been accomplished and complied with. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-23 Penalty. Penalties for violation of this chapter shall be as set forth in section 261-12, Hawaii Revised

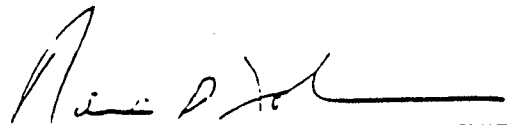
Statutes. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-37-24 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of this chapter shall not be affected. [Eff FEB 26 1993] (Auth: HRS §261-12) (Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION

Chapter 19-37, Hawaii Administrative Rules, on the summary page dated October 15, 1992, was adopted on October 15, 1992, following public hearings held on July 8 and 9, 1992, after public notices were given in the Honolulu Advertiser, Honolulu Star Bulletin, the Hawaii-Tribune Herald, West Hawaii Today, the Maui News and the Garden Island News on June 5, 1992.

The adoption of chapter 19-37 shall take effect ten days after filing with the Office of the Lieutenant Governor.




REX D. JOHNSON
Director of Transportation

APPROVED AS TO FORM:



Deputy Attorney General



JOHN WAIHEE
Governor
State of Hawaii

Date: FEB 1 4 1993

FEB 13 1993

Filed

DOT 2-239
(AIR-LF 09/92)

DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
FUEL HANDLING FAR 139.321

Employee Certificate of Training

Airport: _____

I certify that _____, has successfully completed a Fuel Handling Program, which has been approved by the Federal Aviation Administration, in accordance with Chapter 19-37 of Title 19, Hawaii Administrative Rules, entitled "Fuel Handling Procedures at Public Airports".

The training was completed on: ____/____/____.

Trainer's Signature

Position

Company

Address

Telephone Number

Please return this form to the Airport Manager's Office.

FUEL FARM FIRE SAFETY INSPECTION REPORT

QUARTERLY

1	2	3	4
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AIRPORT _____
 TENANT NAME _____
 MANAGER _____
 BUS. PHONE _____
 DATE _____

FOLLOW-UP DATE _____

- | | | |
|--|--|---|
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 1. Fencing/Locks/Signed | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 2. Fuel Dispensers Placarded | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 3. "No Smoking" warning properly posted in fuel farm area | RE: NFPA 407:3-8
RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 4. Evidence of Smoking | RE: AC 150/523-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 5. Ignition Sources | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 6. Fire Extinguishers: Proper size and type (Inspected) | RE: NFPA 10
RE: NFPA 407 3-13* |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 7. Fuel Farm Fueling Standard Operating Procedures | RE: FAR - AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 8. Fueling Procedures Observed | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 9. Personnel Safety Training Requirements | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 10. Piping and critical areas free from leaks | RE: NFPA 407:2-4.6
RE: FAR - AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 11. Grounding connections & rods in good condition | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 12. Bonding Cable - Loading Station | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 13. Fuel System Bonding & Grounded | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 14. Fuel hose line | RE: NFPA 407:2-2 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | Pressure test | RE: NFPA 407:3-16 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | Hose line condition o.k. | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 15. Emergency shut-off system | RE: NFPA 407:2-4.5 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | Working properly | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | Placarding of shut-off station proper | RE: NFPA 407:4-12.1 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 16. Deadman Control - Loading Station | RE: AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 17. Housekeeping | RE: FAR - AC 150/5230-4 |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | 18. Farm area free of weeds, debris and other combustibles | |

COMMENTS _____

ORDER TO COMPLY: Failure to comply with the foregoing order before the date of such reinspection may render you liable to the penalties of chapter 19-37 of Title 19, Hawaii Administrative Rules entitled "Fuel Handling Procedures At Public Airports" reads as follows: 19-37-19 Penalty. Penalties for violation of this chapter shall be as set forth in section 261-12 Hawaii Revised Statutes. As such conditions are contrary to law, you are hereby required to correct said conditions immediately upon receipt of this notice. An inspection to determine whether you have complied will be conducted on or before: _____

Recipient: _____ Inspector: _____

AIRCRAFT REFUELING SPOT CHECK

QUARTERLY

1	2	3	4
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Fuel Vendor: _____ Operator's Name: _____
 Hydrant # _____ Tanker # _____
 Vehicle License: _____ Aircraft No: _____
 Date: ____/____/____ Time: _____ Location: (Gate #) _____
 MO DATE YR
 Airport Inspection Decal # _____ Date: _____ PUC # _____

		PROPER PROCEDURE USED		COMMENTS
		YES	NO	
Wheels Chocked		_____	_____	_____
Bonding Procedures	(NFPA #407, 3-4 & NFPA #77, 4-6.1.6 "Static Electricity")	_____	_____	_____
Deadman Control	(NFPA #407, 2-1.7* & 3-15)	_____	_____	_____
Emergency Shut-Off	(NFPA #407, 2-3.15)	_____	_____	_____
Extinguishers	(NFPA #407, 2-3.9 & 3-13)	_____	_____	_____
Vehicle Placement	(NFPA #407, 3-12)	_____	_____	_____
Hoses (Condition)	(NFPA #407, 3-16*)	_____	_____	_____
Placards & Signs	(NFPA #407, 2-3.18)	_____	_____	_____
Electrical Equipment Use	(NFPA #407, 3.7*)	_____	_____	_____
Engine Exhaust	(NFPA #407, 2-3.6)	_____	_____	_____
Matches, Lighters, Smoking	(NFPA #407, 2-3.11 & 3-8.5)	_____	_____	_____
Lightning Precautions	(NFPA #407, 3-9)	_____	_____	_____
Disconnection Procedures	(NFPA #407, 3-4.5)	_____	_____	_____
Aircraft Fuel Servicing Vehicle	(NFPA #407, 3-18 & 3-19)	_____	_____	_____
Parking		_____	_____	_____

Operator's Signature: _____

Officer-In-Charge: _____

Station/Shift: _____

ORDER TO COMPLY: Failure to comply with the foregoing order before the date of such reinspection may render you liable to the penalties of chapter 19-37 of Title 19, Hawaii Administrative Rules entitled "Fuel Handling Procedures At Public Airports" reads as follows: 19-37-23 Penalty. Penalties for violation of this chapter shall be as set forth in section 261-21 Hawaii Revised Statutes. As such conditions are contrary to law, you are hereby required to correct said conditions immediately upon receipt of this notice. An inspection to determine whether you have complied will be conducted on or before: _____

Recipient: _____ Inspector: _____

EXHIBIT "A"

HELICOPTER HOT REFUELING AGREEMENT

(08/01/87)

THIS AGREEMENT, made and entered into as of the _____ day of _____, 19____ by and between the State of Hawaii, hereinafter referred to as the "State", and _____, hereinafter referred to as the "Operator".

WITNESSETH

WHEREAS, the State owns and operates the _____ Airport, located at _____

WHEREAS, the Operator desires to refuel its helicopters while one or more of its engines are in operation at the Airport.

NOW THEREFORE, in consideration of the foregoing and of the mutual promises herein contained, the parties hereby agree as follows:

1. **TERM.** The term of this agreement shall be for a period of _____ years commencing _____ and will be automatically renewed for additional _____ year periods under the same terms and conditions, provided that either party may give thirty (30) days prior written notice to the other party of its intent to cancel this Agreement at the end of the initial term of this Agreement or renewal term thereof.

2. **INDEMNIFICATION.**

- A. The Operator shall indemnify, defend and hold the State and its officers, employees, agents, contractors, subcontractors, licensees, or invitees completely harmless from and against any and all liabilities losses, suits, claims, judgments, fines or demands arising by reason of injury to or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to this agreement and/or the helicopter, refueling or the acts or omissions of helicopter operator, its officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless such injury, death or damage is caused by the sole negligence of the State.
- B. The State shall give to the Operator reasonable notice of any such claim or action.
- C. The Operator shall use counsel reasonably acceptable to the State in carrying out its obligations hereunder.

3. **CONTINUATION.** The provisions of this agreement shall survive the expiration or early termination of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the day and year first above written by their duly authorized officers.

STATE OF HAWAII

By _____

OPERATOR

By _____